

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 3751
BALL)
Serial No.: 10/721,694) Examiner: FETSUGA, ROBERT M
Filed: November 25, 2003) Confirmation No.: 6303
Atty. File No.: 5564-138B)
For: "CAP FOR SEALING A BATHTUB)
OVERFLOW PORT FOR TESTING)
PURPOSES")

INTERVIEW SUMMARY

Filed Electronically

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On February 18, 2009, Joe Kovarik, Esq. and the undersigned, representatives of the assignee of the instant application, conducted an interview with Examiner Robert Fetsuga. The undersigned thanks the Examiner for his time.

During the interview, it was pointed out that Claim 25 contains elements from Claims 5 and 6 and Claim 27 is a combination of previously allowable Claims 5 and 9. Relevant prosecution history was also discussed, i.e., in the Office Action dated March 27, 2007, Claims 6 and 9 were objected to but the Examiner stated that they would be allowable if rewritten in independent form to include all the limitations of the base claim. During the interview, the Examiner noted that the Office Action dated August 27, 2007 included rejections of claims based on newly cited Rabinovich. No consensus, however, as to the allowability of Claims 25 and 27 was reached.

It was also discussed that the presentation of Claim 5 may be improper and the undersigned agreed with the Examiner's proposal that Claim 5 be cancelled. Accordingly, Claim 5 will be cancelled prior to issuance of the patent or in response to the next office action. It was also requested that the Examiner ignore Claim 5 as it was presented in the spirit of helping the Examiner understand the claim amendments and not intended to be examined.

Application No. 10/721,694

The Examiner stated that he would review the pending claims and would determine whether a new search would be required to allow the same. Applicant's counsel disagreed that yet another search was required because the claims (especially Claim 27) had merely been amended in accordance with the Examiner's prior suggestions. Moreover, as this case was filed in 2003, and similar claims were deemed allowable in 2007, Applicant's counsel requested an expedited review and allowance of the pending claims, or an additional interview with the Examiner to promptly conclude prosecution of this case.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: /C.W. Mueller/

Craig W. Mueller
Registration No. 52,055
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: February 27, 2009

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